

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

BENJAMIN MOSTAED, on behalf of)
himself and all others similarly)
situated,)
)
Plaintiff,)
)
v.)
)
JAMES B. CRAWFORD,)
ROBERT H. FOGLESONG,)
RICHARD M. GABRYS,)
ROBERT B. HOLLAND, BOBBY)
R. INMAN, DAN R. MOORE,)
BAXTER F. PHILLIPS, JR.,)
STANLEY C. SUBOLESKI, LINDA)
J. WELTY, MASSEY ENERGY)
COMPANY, and ALPHA NATURAL)
RESOURCES, INC.,)
Defendants.)

Civil Action No. 3:11-CV-079-REP

DEFENDANTS' MOTION TO CONTINUE INITIAL PRETRIAL CONFERENCE

Defendants, James B. Crawford, Robert H. Foglesong, Richard M. Gabrys, Robert B. Holland, Bobby R. Inman, Dan R. Moore, Stanley C. Suboleski, Linda J. Welty, Baxter F. Phillips, Alpha Natural Resources, Inc. ("Alpha"), and Massey Energy Company ("Massey") (collectively, "Defendants"), by counsel, submit their Motion to Continue Initial Pretrial Conference. The reasons in support of the motion are set forth in the accompanying memorandum.

WHEREFORE, Defendants request that this Court enter an order continuing the date for the Initial Pretrial Conference until a later date based on the availability of the Court, but no earlier than after the completion of the May 26, 2011 hearing in the Delaware Action.

**MASSEY ENERGY COMPANY,
JAMES B. CRAWFORD, ROBERT H.
FOGLESONG, RICHARD M. GABRYS,
ROBERT B. HOLLAND, BOBBY R.
INMAN, DAN R. MOORE, STANLEY
SUBOLESKI, AND LINDA J. WELTY**

By: /s/ Timothy J. St. George
Of Counsel

Alan D. Wingfield (VSB No. 27489)
Timothy J. St. George (VSB No. 77349)
TROUTMAN SANDERS LLP
1001 Haxall Point
Richmond, VA 23218-1122
Telephone: (804) 697-1254
Facsimile: (804) 698-6013
alan.wingfield@troutmansanders.com
tim.stgeorge@troutmansanders.com

Stuart W. Gold, Esq.
Julie A. North, Esq.
CRAVATH, SWAINE & MOORE LLP
825 Eighth Avenue
Worldwide Plaza
New York, NY 10019-7475
Telephone: (212) 474-1000
Facsimile: (212) 474-3700

*Attorneys for Defendants Massey Energy Company,
James B. Crawford, Robert H. Foglesong, Richard
M. Gabrys, Robert B. Holland, Bobby R. Inman, Dan
R. Moore, Stanley C. Suboleski, and Linda J. Welty*

/s/ Stephen E. Baril
Stephen E. Baril (VSB No. 19604)
SANDS ANDERSON PC
1111 E. Main Street, Suite 2300
Richmond, VA 23219-2906
Telephone: (804) 783-7234
Facsimile: (804) 783-7291
SBaril@SandsAnderson.com

Attorneys for Defendant Baxter F. Phillips, Jr.

/s/ Robert M. Rolfe

Robert M. Rolfe (VSB No. 15779)

Erin L. Barrett (VSB No. 74928)

HUNTON & WILLIAMS LLP

Riverfront Plaza, East Tower

951 East Byrd Street

Richmond, Virginia 23219

(804) 788-8466

rrolfe@hunton.com

Mitchell A. Lowenthal

Boaz S. Morag

CLEARY GOTTLIEB STEEN & HAMILTON

LLP

One Liberty Plaza

New York, NY 10006

(212) 225-2000

Michael R. Lazerwitz

CLEARY GOTTLIEB STEEN & HAMILTON

LLP

2000 Pennsylvania Avenue, NW

Washington, DC 20006

(202) 974-1500

Attorneys for Defendant Alpha Natural Resources, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May 2011, I caused a true and correct copy of the foregoing to be filed on the Electronic Case Filing System, which will send a notice of electronic filing to:

Shiva Sharifahmandian, Esq. (VSB No. 75441)
FINKLESTEIN THOMPSON LLP
1050 30th Street, NW
Washington, DC 20007

Frank J. Johnson, Esq.
Shawn E. Fields, Esq.
JOHNSON BOTTINI LLP
501 West Broadway
Suite 1720
San Diego, CA 92101

Attorneys for Plaintiff

/s/ Timothy J. St. George
Timothy J. St. George (VSB No. 77349)
TROUTMAN SANDERS LLP
1001 Haxall Point
P.O. Box. 1122
Richmond, VA 23218-1122
Telephone: (804) 697-1254
Facsimile: (804) 698-6013
tim.stgeorge@troutmansanders.com